

Application No. 09/887,609  
Amendment "B" dated October 1, 2004  
Reply to Office Action mailed July 1, 2004

### REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the recent interview held on August 23, 2004. The claim amendments made by this paper are consistent with the proposals discussed during the interview.

The latest Office Action, mailed July 1, 2004, considered and rejected claims 1-32 in view of Smith (U.S. Patent No. 6,615,248), Ohkura (U.S. Patent No. 6,005,601), Alten (U.S. Patent No. 6,661,468), Chor (U.S. Patent No. 6,141,003), and Stautner (U.S. Patent No. 6,172,677).<sup>1</sup>

By this paper, each of the independent claims 1, 18, 23 and 27 have been amended, while claim 8 has been cancelled, and new claims 33-41 have been added, such that claims 1-7 and 9-41 remain pending, of which claims 1, 18, 23 and 27 remain the independent claims at issue.<sup>2</sup>

As discussed during the interview, the present invention is directed to a novel and unique ratcheting menu system that interfaces between a user and a variety of media. In the claimed embodiments, the ratcheting menu system displays categories and subcategories on the display screen in such a manner that the most recently selected category is displayed within a selected location on the display screen and replaces any other category that was previously displayed within the selected position on the display screen when the most recently selected category was selected. The claims also clarify that only the subcategories corresponding to the selected category are displayed and that they are displayed within a single horizontal line on the display screen, such that all of the subcategories corresponding to the selected category can be accessed

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<sup>1</sup> Claims 1-6, 23, 27, 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Ohkura. Claims 7-11, 13-16, 18-20, 22, 24, 25 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and Ohkura in view of Alten. Claims 12, 17 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith, Ohkura and Alten in view of Chor. Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith, Ohkura and Alten in view of Stautner. And claims 30 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and Ohkura in view of Chor. Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Support in the specification for these new clarifying claim amendments is explicitly found on page 20. Support for new claims 33-39 is drawn from the Figures, particularly Figures 4A, 5A, 6A, 7A and 8. The subject matter of cancelled claim 8 has been incorporated into the independent claims.

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by horizontal scrolling of the menu system and without requiring any vertical scrolling of the menu system.

As discussed during the interview, the primary reference used for the teaching of ratcheting (Ohkura) fails to teach horizontal scrolling of subcategories in the manner contemplated by the present invention. In fact, Ohkura explicitly teaches away from menu systems relying on horizontal scrolling by teaching in the background section that prior art menus are "very cumbersome for the user" because "the user has to scroll the display area ...in two directions of the upper and lower direction and the right and left direction." Col. 1, ll. 59-65.

To overcome the problems identified in the prior art, Ohkura teaches a menu system in which EPG data is vertically rotated within a cylinder-like display scheme. Figures 5, 6, 18. To access a different subcategory within any selected category, the user scrolls/rolls the display vertically. For example, with reference to Figure 6, the selection of a different program (subcategory) within the Genre (category) requires vertical scrolling of the subcategories. Likewise, in the embodiment shown in Figure 18, the selection of any of the subcategories corresponding to the highlighted category require vertical scrolling of the display. Alternatively, if Figure 18 is construed as displaying only the highlighted (centralized) data, as suggested at one point during the interview, then Applicants respectfully submit that all of the subcategories corresponding to the selected category are not displayed within a single horizontal, as is now required. Accordingly, regardless of the interpretation given to Figure 18, Applicants submit that Ohkura fails to teach the claimed invention, alone or in combination with the other cited art. In fact Ohkura actually appears to teach away from the claimed embodiment for at least the reasons provided above.

Applicants also respectfully submit that it would not be obvious to combine any reference teaching horizontal scrolling, as claimed, with the menu system provided by Ohkura inasmuch as Ohkura appears to teach away from horizontal scrolling of the subcategories of a selected category within a single horizontal line, particularly when considering that all of the subcategories must be able to be accessed by horizontal scrolling without any vertical scrolling.

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To even further distinguish the claimed invention from the art of record, as recited in dependent claims 37 and 41, the horizontal scrolling can include, although not necessarily, moving at least some subcategories horizontally on the display screen (Figures 5A and 5B).

Accordingly, inasmuch as none of the cited art teaches or suggests the claimed invention, as described above, the specific rejections to the dependent claims will not be addressed at this time. Nevertheless, this should not be construed as acquiescing to the purported teachings made by any of the cited art of record regarding the dependent claims.<sup>3</sup> Instead, Applicants reserve the right to challenge the purported teachings of any of the cited art at any appropriate time should it arise.

In summary, Applicants respectfully submit that all of the pending claims 1-7 and 9-41 are now in condition for allowance over the art of record. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 1 day of October 2004.

Respectfully submitted,



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<sup>3</sup> In particular, Applicants reserve the right to further challenge the interpretation of Figure 18 of Ohkura regarding the classification of categories and subcategories. Applicant maintains that it does not make sense, in view of the pending application, that every category can be considered a subcategory, particularly when Ohkura has not suggested that this interpretation should be adopted. Nevertheless, regardless of the interpretation provided to Figure 18 of Ohkura, Applicants submit that the new pending claims are adequately distinguished from the combinations of Ohkura and the other art of record.